IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 17729 of 2007(I)

PETITIONER:

SHAJI PHILIP, PANDIYAPPILLIL,
PALLIKKATHODU, KOTTAYAM.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL

RESPONDENTS:

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1. PALLIKKATHODU GRAMA PANCHAYATH,
REP.BY IT'S SECRETARY,
PANCHAYATH OFFICE, ANIKKADU P.O.,
KOTTAYAM.

2. THE SECRETARY, PALLIKKATHODU GRAMA
PANCHAYATH, ANIKKADU P.O., KOTTAYAM.

3. STATE OF KERALA, REP. BY SECRETARY,
LOCAL SELF GOVT., SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.T.SHYAMKUMAR
GOVT. PLEADER SRI.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE PHOTOCOPY OF THE GOVT. PUBLICATION DTD. 27-5-07
EXT.P2	TRUE PHOTOCOPY OF THE CERTIFICATE ISSUED BY THE MALANAD DEVELOPMENT SOCIETY DTD. 19-4-04
EXT.P3	TRUE PHOTOCOPY OF THE ORDER ISSUED BY THE PANCHAYAT DTD. 9-9-04
EXT.P4	TRUE PHOTOCOPY OF THE JUDMENT OF THE TRIBUNAL DTD. 22-12-06
EXT.P5	TRUE PHOTOCPY OF THE LETTER SUBMITTED TO THE PANCHAYAT COMMITTEE BY THE PETITIONER DTD. 27-9-06
EXT.P6	TRUE PHOTOCOPY OF THE LETTER SUBMITTED BY THE PETITIONER TO THE PANCHAYAT DTD. 30-1-07
EXT.P7	TRUE PHOTOCOPY OF THE NOTICE PUBLISHED BY THE PANCHAYAT DTD. 4-5-07
EXT.P8	TRUE PHOTOCOPY OF THE NOTICE PUBLISHED BY THE PANCHAYAT DTD. 4-5-07
EXT.P9	TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE PANCHAYAT DTD. 11-5-07
EXT.P10	TRUE PHOTOCOPY OF THE LETTER ISSUED BY PANCHAYATH TO PETITIONER DTD. 23-5-07
EXT.P11	TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE PANCHAYAT DTD. 6-6-07

/True copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No.17729 OF 2007

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Dated this the 13th day of July, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner has started a pig farm unit in the year 2003 in the respondent Panchayat by availing loan. No licence was required for piggery unit at that time. But due to the undue influence of some antisocial elements of that locality, Panchayat issued a notice to close down the unit even though petitioner has observed all conditions prescribed by Medical Officer and District Medical Officer. Petitioner filed appeal against the order of demolition of the unit. But that appeal was rejected by the Committee. Against that order petitioner preferred revision before the Panchayat Tribunal. Panchayat Tribunal allowed the revision and set aside the order passed by the Panchayat. Thereafter, respondent Panchayat passed a resolution imposing licence for piggery farm under Dog and Pig Licence Rule and Dangerous & Offensive Trades and Factory Rule. According to

the petitioner, notice was not published properly. Petitioner applied for licence under Dog and Pig Licence Rule. But it was rejected by the respondent. Petitioner's application for licence under Dangerous and Offensive Trades and Factory Rule was also not considered. The intention of the Panchayat is to reject that application and issue notice to demolish the pig farm.

Learned counsel for the Panchayat points out that petitioner has preferred an appeal against Ext.P10 and that will be considered on merit as it is filed in time. In such circumstances, the writ petition is disposed of directing the first respondent to consider the appeal preferred by the petitioner after giving an opportunity of hearing to the petitioner and take a decision in accordance with law within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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